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6 IN THE UNITED STATES DISTRICT COURT
7 FOR THE EASTERN DISTRICT OF CALIFORNIA
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9 STEVEN DANIEL FORCE,

1:09-cv-02211-YNP-DLB (HC)

10 Petitioner,

ORDER TRANSFERRING CASE TO THE
UNITED STATES DISTRICT COURT FOR
THE CENTRAL DISTRICT OF
CALIFORNIA

11 vs.

12 STEPHEN MAYBERG,

13 Respondent.
14 _____/

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16 Petitioner, a state prisoner proceeding pro se, has filed a habeas corpus action pursuant to 28
17 U.S.C. § 2254.

18 Venue for a habeas action is proper in either the district of confinement or the district of
19 conviction. 28 U.S.C. A. § 2241 (d). However, it is preferable for petitions challenging a conviction
20 or sentence to be heard in the district of conviction while petitions challenging the manner in which the
21 sentence is being executed be heard in the district of confinement. Dunne v. Henman, 875 F.2d 244, 249
22 (9th Cir. 1989).

23 In this case, the petitioner is challenging a conviction from Orange County, which is in the
24 Central District of California. Therefore, the petition should have been filed in the United States District
25 Court for the Central District of California. In the interest of justice, a federal court may transfer a case
26 filed in the wrong district to the correct district. See 28 U.S.C. § 1406(a); Starnes v. McGuire, 512 F.2d
27 918, 932 (D.C. Cir. 1974).

28 Accordingly, IT IS HEREBY ORDERED that this matter is transferred to the United States

1 District Court for the Central District of California.
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3 IT IS SO ORDERED.

4 **Dated: December 23, 2009**

/s/ Dennis L. Beck
UNITED STATES MAGISTRATE JUDGE